

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT TERM EXTENTION APPLICATION OF

U.S. Patent No. **6,605,599**

Issue Date: **August 12, 2003**

U.S. Application No. **09/084,542**

PTE Filing Date **November 15, 2007**

INVENTORS:      *Vite et al.*

FOR: **Epothilone Derivatives**

**Filed VIA EFS Filing**

Commissioner for Patents  
Mail Stop HATCH-WAXMAN PTE  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO STAY PROCEEDINGS RE: PATENT TERM EXTENSION  
APPLICATION FOR U.S. PATENT NO. 6,605,599 UNDER 37 C.R.F. § 1.182**

Dear Sir/Madam:

Applicants hereby petition to stay proceedings regarding the Patent Term Extension Application for U.S. Patent No. 6,605,599. As noted in the accompanying Notification Pursuant to 37 C.F.R. § 1.765(a), three Reissue applications were filed on August 11, 2009 in connection with the above-captioned patent, which have been assigned Reissue Application Nos. 12/539,492, 12/539,496, and 12/539,498. U.S. Reissue Application No. 12/539,492 of U.S. Patent 6,605,599 B1 claims ixabepilone, which is the active ingredient in the approved IXEMPRA® product, and further claims methods of treating patients by administering IXEMPRA® in the manner approved. This reissue application is currently pending. Applicants would like the certificate of extension of patent term to issue in U.S. Reissue Application No. 12/539,492 upon its grant and issuance.

The fee set forth in 37 C.F.R. § 1.17(f) for this petition is \$400.00 and will be paid during electronic filing. However, if it is determined that any additional fees under 37

U.S. Pat. No. 6,605,599  
Attorney Docket No.:LD125B

C.F.R. §§ 1.16 and 1.17 are due in connection with this Petition, the Commissioner is authorized to charge such fees, and/or to credit any overpayment, to Deposit Account No. 19-3880.

Respectfully submitted,



Anastasia P. Winslow  
Attorney for Applicant  
Reg. No. 40,875  
Phone: 609-252-6996

Date: October 23, 2009

CASE: LD125B NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT TERM EXTENTION APPLICATION OF

U.S. Patent No. 6,605,599

Issue Date: August 12, 2003

U.S. Application No. 09/084,542

PTE Filing Date November 15, 2007

INVENTORS: *Vite et al.*

FOR: **Epothilone Derivatives**

**Filed VIA EFS Filing**

Commissioner for Patents  
Mail Stop HATCH-WAXMAN PTE  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTIFICATION PURSUANT TO 37 C.F.R. § 1.765(a)**

Dear Sir/Madam:

Pursuant to 37 C.F.R. § 1.765(a), Bristol-Myers Squibb Company, owner of record of the above-captioned patent, hereby notifies the Commissioner that three Reissue applications pursuant to 35 U.S.C. § 251 were filed on August 11, 2009 in connection with the above-captioned patent, which have been assigned Reissue Application Nos. 12/539,492, 12/539,496, and 12/539,498. Bristol-Myers Squibb Company filed an Application for Extension of Patent Term under 35 U.S.C. § 156 for the above-captioned patent on November 15, 2007. The Application for Extension of Patent Term for the above-captioned patent remains pending.

U.S. Reissue Application No. 12/539,492 of U.S. Patent 6,605,599 B1 claims ixabepilone, which is the active ingredient in the approved IXEMPRA® product. U.S. Reissue Application No. 12/539,492 of U.S. Patent 6,605,599 B1 further claims methods of treating patients by administering IXEMPRA® in the manner approved. Claims of

U.S. Pat. No. 6,605,599  
Attorney Docket No.:LD125B

U.S. Reissue Application No. 12/539,492 that read on the approved IXEMPRAL® product include claims 8 and 40. Claims of U.S. Reissue Application No. 12/539,492 that read on methods of using the IXEMPRAL® product as approved include claims 9, 12, and 28.

Applicants are also filing the accompanying petition to stay proceedings regarding the Patent Term Extension Application for U.S. Patent No. 6,605,599, because they would like the certificate of extension of patent term to issue in U.S. Reissue Application No. 12/539,492 upon its grant and issuance.

The Examiner is invited to contact the undersigned at 609-252-6996 to discuss any matter regarding this application.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

  
Anastasia P. Winslow  
Attorney for Applicant  
Reg. No. 40,875  
Phone: 609-252-6996

Date: October 23, 2009